



Entered on Docket
February 22, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART, UPON
INVESTMENT IN GATEWAY STONE
LOAN**

Hearing Date: February 5, 2010
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Objection of USACM Trust to Proofs of Claim,
2 Based, in Whole or in Part, Upon the Investment in Gateway Stone Loan” (the “Gateway
3 Loan”) [DE 7888] (the “Objection”); the Court having heard the Objection on February 5,
4 2010; appropriate notice of the Objection having been given; no response to the Objection
5 having been filed; and good cause appearing:

6 **IT IS ORDERED:**

7 1. The Objection [DE 7888] is sustained; and

8 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
9 claims are based upon a Direct Lender investment in the Gateway Loan because the Direct
10 Lenders were paid in full on that Loan.

11 3. The claims listed on Exhibit A are not affected by this order to the extent
12 they are based upon an investment in another loan.

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15
16 By /s/ John Hinderaker (018024)
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

USACM TRUST
PAID LOAN OBJECTIONS

MULTIPLE LOAN CLAIMS
GATEWAY STONE

Exhibit A

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Gateway Stone Loan
10725-02236	Addy, Ronald M & Priscilla K	21675 Obsidian Ave. Bend, OR 97702	Unliquidated	Unliquidated